

## **Havering London Borough Council**

### **The Anti-Social Behaviour Crime and Policing Act 2014**

#### **THE LONDON BOROUGH OF HAVERING (ROMFORD TOWN CENTRE) PUBLIC SPACES PROTECTION ORDER NO 1 OF 2017**

**WHEREAS** the London Borough of Havering (“the Council”) is satisfied that the requirements of sections 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) have been satisfied and that it is, in all the circumstances, appropriate to make this Order.

**WHEREAS** the Council is satisfied that activities have been and will continue to be carried out in the Alcohol Control Area referred to below which have had and will continue to have a detrimental effect on the quality of life of those in the locality, such activities being the consumption of alcohol in public places other than licensed premises.

**WHEREAS** the Council is satisfied that the effect of the activities is, or is likely to be, of a persistent or continuing nature, and is, or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed by this Order.

**WHEREAS** the Council is satisfied that the prohibitions imposed by this Order are ones that it is reasonable to impose in order to prevent the detrimental effect from continuing, occurring, or recurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

**WHEREAS** the Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

**THE COUNCIL MAKES** the following Order in exercise of its powers under section 59 of the Act.

1. This Order may be cited as the London Borough of Havering (Romford Town Centre) Public Spaces Protection Order No.1 of 2017 (“the Order”).
2. This Order takes effect on the [DATE TO BE CONFIRMED AFTER 1 OCTOBER 2017] and continues to have effect for a period of three years thereafter.
3. This Order applies to the land described in the Schedule below (“the Alcohol Control Area”) and which is shown edged red on the attached plan (“the Order plan”).
4. This Order applies to all persons in public places within the Alcohol Control Area at all times of the day and night, save on licensed premises.
5. This Order shall not apply where prior written notice that it does not apply is given by the Council or the Police to facilitate Temporary Event Notices or other public events.
6. The following activities are prohibited:
  - 6.1. **Persons must not be in possession of an open container of alcohol in a public place within the Alcohol Control Area (save on licensed premises);**
  - 6.2. **Persons must not consume alcohol in a public place within the Alcohol Control Area (save on licensed premises);**
7. For the purposes of this Order:
  - 7.1. “public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;
  - 7.2. ‘alcohol’ means any liquid intended for consumption by the person in possession of it, containing more than 0.05% alcohol by volume; and

7.3. 'licensed premises' means:

- 7.2.1. premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
- 7.2.2. premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- 7.2.3. a place within the curtilage of premises within paragraph 7.2.1. or 7.2.2;
- 7.2.4. premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
- 7.2.5. a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- 7.5.6. council-operated licensed premises—
  - 7.5.6.1. when the premises are being used for the supply of alcohol, or
  - 7.6.5.2. within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

## **Offences**

Failure without reasonable excuse to comply with the prohibition on being in possession of an open container of alcohol within the Alcohol Control Area is a summary offence under section 67 of the Act. A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Where a Constable or a person duly authorised by the Council reasonably believes that a person is or has been consuming alcohol in breach of the prohibition on the consumption of alcohol within the Alcohol Control Area, or that a person intends to consume alcohol in circumstances in which doing so would be a breach of that prohibition, the Constable or authorised person may require that person:

- (a) not to consume, in breach of the prohibition, alcohol or anything which the Constable or authorised person reasonably believes to be alcohol;
- (b) to surrender anything in that person's possession which is, or which the Constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

A constable or an authorised person who imposes such a requirement must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

A person who fails without reasonable excuse to comply with such a requirement commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

A requirement imposed by an authorised person is not valid if the authorised person is asked to show evidence of his or her authorisation but fails to do so.

A Constable or authorised person may dispose of anything surrendered to him or her as a result of a requirement imposed by him or her in whatever way he or she thinks appropriate.

## **SCHEDULE**

The Alcohol Control Area to which this Order applies comprises the following:

**Romford Town Centre**, as defined on the attached Order Plan

This Order does not extend to licensed premises with the Alcohol Control Area

**For the avoidance of doubt the Alcohol Control Area is shown edged red on the attached Order plan**

### **IN WITNESS WHEREOF**

<b>THE MAYOR AND BURGESSES OF</b>	}
<b>THE LONDON BOROUGH OF HAVERING</b>	}
was hereunto affixed and this document	}
thereby executed as a Deed	}
in the presence of	}

**Authorised Signatory**